



PUBLIC MATTER

FILED *LOS*

OCT 28 2008

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

1 THE STATE BAR OF CALIFORNIA
2 OFFICE OF THE CHIEF TRIAL COUNSEL
3 SCOTT J. DREXEL, No. 65670
4 CHIEF TRIAL COUNSEL
5 RUSSELL G. WEINER, No. 94504
6 DEPUTY CHIEF TRIAL COUNSEL
7 LAWRENCE J. DAL CERRO, No. 104342
8 ASSISTANT CHIEF TRIAL COUNSEL
9 ALLEN BLUMENTHAL, No. 110243
10 SUPERVISING TRIAL COUNSEL
11 ROBERT A. HENDERSON, No. 173205
12 DEPUTY TRIAL COUNSEL
13 MARIA J. OROPEZA, No. 182660
14 ASSIGNED DEPUTY TRIAL COUNSEL
15 180 Howard Street
16 San Francisco, California 94105
17 Telephone: (415) 538-2569

THE STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

14 In the Matter of) Case No. 08-O-10521; 08-O-11913
15 JAMES HOLLISTER,)
16 No. 44244,) NOTICE OF DISCIPLINARY CHARGES
17 A Member of the State Bar.)

NOTICE - FAILURE TO RESPOND!

19 IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE
20 TIME ALLOWED BY STATE BAR RULES, INCLUDING EXTENSIONS, OR
21 IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR
22 DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN
23 INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE
24 PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE
ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF
THE STATE BAR, (3) YOU SHALL NOT BE PERMITTED TO
PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR
DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO
ADDITIONAL DISCIPLINE.

25 STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN
26 RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE.

27 IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY
28 THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF
ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE
PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED

1 BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION
2 WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE
3 BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE
4 ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE
5 ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON
6 PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH
7 CONDITIONS OF PROBATION AS THE STATE BAR COURT DEEMS
8 APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE FOR STATE
9 BAR COURT PROCEEDINGS.

10 The State Bar of California alleges:

11 JURISDICTION

12 1. James Hollister ("Respondent") was admitted to the practice of law in the State of
13 California on June 26, 1969, was a member at all times pertinent to these charges, and is
14 currently a member of the State Bar of California.

15 COUNT ONE (A)

16 Case No. 08-O-10521
17 Rules of Professional Conduct, rule 3-110(A)
18 [Failure to Perform with Competence]

19 2. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), by
20 intentionally, recklessly, and repeatedly failing to perform legal services with competence, as
21 follows:

22 3. In or around 1992, Miguel Pedroza ("Pedroza") a citizen and native of Mexico
23 entered the United States.

24 4. In or around March 1994, Pedroza, left the United States to go to Mexico to get
25 married. Thereafter Pedroza re-entered the United States in June 1994. His absence from the
26 United States was for less than 90-days.

27 5. In or around 2002, Pedroza hired an immigration consultant, Albert A. Villela
28 ("Villela"), to help him obtain legal residency in the United States. Over the course of the
relationship Pedroza paid Villela as follows for representation in his immigration matter:

May 20, 2003	\$1,500
October 8, 2005	\$750
October 22, 2005	\$600
March 8, 2006	\$1,000

May 20, 2006	\$500
July 1, 2006	\$75
August 12, 2006	\$500
October 13, 2006	\$500
December 16, 2006	\$1,000
December 16, 2006-September 21, 2007	\$1,700
September 21, 2007	\$1,300
Total	<u>\$9,425</u>

6. Villela caused to be filed on behalf of Pedroza, among other things, an Application for Asylum and cancellation of removal. In the immigration materials prepared by Villela, Pedroza's 1994 exit from the United States was inaccurately listed as from March 10, 1994 until July 25, 1994. At no time prior to or at the time of filing was Pedroza advised of why his absence from the United States in 1994 might be important. Specifically Pedroza was not advised that an absence in excess of 90-days from the United States would create a gap in the ten-years of continuous presence necessary to qualify for cancellation of removal and would statutorily bar him from qualifying for cancellation of removal.

7. In or around 1994, Pedroza was employed by Jesus Servin. Pedroza's employer would have been able to competently testify as to his physical presence in the United States in June 1994.

8. In or around 1994, Pedroza rented a residence from Martha Carrera. Pedroza's landlord would have been able to competently testify as to his physical presence in the United States in June 1994.

9. Between in or around 2002 and July 24, 2004, Villela provided Pedroza with a series of attorneys, each of whom would continue the immigration matter to another date. Starting on July 24, 2004, respondent was the only attorney Villela used on Pedroza's

1 immigration matter. Subsequent to July 24, 2004, Pedroza paid Villela a total of \$7,925 of which
2 respondent received a total of \$960 from Villela.

3 10. On or about July 24, 2004, respondent filed a Notice of Entry of Appearance as
4 Attorney in Pedroza's immigration matter. As of this date respondent had never spoken with
5 Pedroza, nor had he communicated with Pedroza in any way.

6 11. On or about July 27, 2004, respondent formally substituted into Pedroza's
7 immigration matter. As of the date of his formally entering the case respondent had never spoken
8 with Pedroza, nor had he communicated with Pedroza in any way. Also on this date respondent
9 requested additional time to prepare for Pedroza's matter.

10 12. On or about July 30, 2004, the court served on respondent notice of a hearing in
11 Pedroza's immigration matter set for August 5, 2004. Respondent received this notice.

12 13. On or about August 5, 2004, Pedroza had a hearing in the immigration matter. At
13 that hearing respondent appeared. Prior to appearing at the hearing on behalf of Pedroza,
14 respondent had never met with, spoken with, nor communicated with Pedroza in any way. At the
15 hearing the immigration matter was continued, ultimately to December 10, 2004.

16 14. On or about October 26, 2004, respondent was notified of Pedroza's next hearing
17 scheduled for December 10, 2004. Respondent received notice by personal service.

18 15. On or about November 30, 2004, respondent filed a Motion to Continue the
19 hearing scheduled for December 10, 2004.

20 16. On or about December 10, 2004, Pedroza had a hearing in the immigration
21 matter. At that hearing respondent appeared. Prior to appearing at the hearing on behalf of
22 Pedroza, respondent had not met with, spoken with or communicated with Pedroza in any way
23 since the August 5, 2004 hearing. At the hearing, the immigration matter was continued to May
24 23, 2005.

25 17. On or about May 23, 2005, Pedroza had a hearing in the immigration matter. At
26 that hearing respondent appeared. Prior to appearing at the hearing on behalf of Pedroza,
27 respondent had not met with, spoken with or communicated with Pedroza in any way since the
28 December 10, 2004 hearing. At the hearing the court warned respondent that Pedroza had a

1 problem in his application due to his absence from the United States during a relevant period of
2 time. Specifically the court stated: "I've also given counsel a heads up that there's distinctly an
3 issue as to continuous physical presence here for several reasons: One, we have limited
4 documentation on that issue and accordingly, Mr. Hollister will work with the respondent to
5 obtain such documentation and/or corroborating witnesses. Also with regard to continuous
6 physical presence, there are two absences from the United States which need to be accounted
7 for." Respondent did not communicate the issue of continuous presence to Pedroza. At the
8 hearing, the immigration matter was continued to October 19, 2005.

9 18. On or about October 19, 2005, Pedroza had a hearing in the immigration matter.
10 At that hearing respondent appeared. Prior to appearing at the hearing on behalf of Pedroza,
11 respondent had not met with, spoken with or communicated with Pedroza in any way since the
12 May 23, 2005 hearing. At the hearing the issue was once again Pedroza's physical absence from
13 the United States during a relevant period of time. Although respondent attempted to
14 communicate with Pedroza regarding the issue, as respondent spoke no Spanish and Pedroza did
15 not understand English well enough the issue was still unexplained to Pedroza. Respondent did
16 not call any witness on behalf of Pedroza to testify regarding his presence in the United States in
17 June 1994. Specifically respondent did not call Martha Carrera or Jesus Servin to testify.

18 19. On or about October 19, 2005, the Immigration Court issued its Oral Decision
19 and Order regarding Pedroza's application for Cancellation of Removal. The court denied
20 Pedroza's application for Cancellation of Removal, granted voluntary departure if it occurred
21 prior to December 19, 2005 and required a \$500 bond which would be forfeit if Pedroza failed to
22 depart voluntarily prior to December 19, 2005.

23 20. On or about November 14, 2005, respondent timely appealed the Immigration
24 Court's decision to the Board of Immigration Appeals. Pedroza's brief was due originally on
25 June 26, 2006, but respondent's request for additional time postponed the date it was due until
26 July 18, 2006.

27 21. On or about July 10, 2006, respondent filed Pedroza's Brief in Support of Appeal.
28 In preparing the brief respondent did not speak with or otherwise communicate with Pedroza.

1 Respondent failed to explain to Pedroza the importance of the gap in absence from the United
2 States in 1994. Respondent did not submit any evidence showing that Pedroza had made a
3 mistake in his original application when listing dates of absence.

4 22. On or about November 27, 2006, the Board of Immigration Appeals affirmed the
5 Immigration Judge's decision denying Cancellation of Removal based on Pedroza's failure to
6 prove ten-years of continuous physical presence in the United States.

7 23. On or about December 26, 2006, respondent filed a Petition for Review and
8 Motion for Stay, with the Ninth Circuit on behalf of Pedroza. Thereafter respondent failed to
9 oppose the Government's motion for summary affirmance. The Petition was dismissed on May
10 14, 2007.

11 24. On or about March 20, 2007, the government filed a Motion for Summary
12 Affirmance and Opposition to Pedroza's December 26, 2006 Petition. Thereafter respondent
13 took no action on Pedroza's matter.

14 25. On or about May 14, 2007, the court granted the government's March 20, 2007
15 Motion for Summary Affirmance and denied all relief requested by respondent. Respondent
16 received the court's order.

17 26. From on or about August 5, 2004 through at least July 2007, respondent failed to
18 communicate directly with Pedroza except at the actual hearings they both attended. Respondent
19 did not maintain possession of Pedroza's file, nor did he review the file prior to the various
20 hearing dates. Moreover respondent spoke no Spanish while his client spoke little English.

21 27. In or around November 2007, Pedroza learned that the reason his application for
22 cancellation of removal had been denied was his inaccurately reported absence from the United
23 States in 1994.

24 28. By failing to prepare for the issue of Pedroza's absence from the United States in
25 1994, by failing to call as witnesses Martha Carrera and Jesus Servin, and by not opposing the
26 government's Motion for Summary Affirmance at the Ninth Circuit, respondent intentionally,
27 recklessly and repeatedly failed to perform legal services with competence.
28

1 COUNT ONE (B)

2 Case No. 08-O-10521

3 Business and Professions Code, section 6068(m)
4 [Failure to Inform Client of Significant Development]

5 29. Respondent wilfully violated Business and Professions Code, section 6068(m),
6 by failing to keep a client reasonably informed of significant developments in a matter in which
7 respondent had agreed to provide legal services, as follows:

8 30. The allegations contained in Count One (A) are hereby incorporated by reference.

9 31. By failing to advise Pedroza that the crucial issue in his Cancellation of Removal
10 immigration matter was the absence from the United States in 1994, by failing to advise Pedroza
11 that the government was pointing to the absence at the May 23, 2005, hearing and by failing to
12 advise Pedroza that the reason his Petition for Cancellation of Removal was denied was that he
13 had been absent from the United States for a period in excess of 90-days in 1994, respondent
14 failed to keep a client reasonably informed of significant developments in a matter in which
15 respondent had agreed to provide legal services.

16 COUNT ONE (C)

17 Case No. 08-O-10521

18 Rules of Professional Conduct, Rule 1-320(A)
19 [Sharing Legal Fees with a Non-Lawyer]

20 32. Respondent wilfully violated Rules of Professional Conduct, rule 1-320(A), by
21 sharing legal fees with a person who is not a lawyer, as follows:

22 33. The allegations contained in Count One (A) are hereby incorporated by reference.

23 34. By being paid \$960 for the immigration matter from Villela while Pedroza during
24 the same time period paid Villela at least \$7,925 for the legal work, respondent shared legal fees
25 with a person who is not a lawyer.

26 ///

27 ///

1

2

3

4

7

10

13

16

18

23

1 42. On or about March 22, 2004, respondent filed an Application for Cancellation of
2 Removal, E-42(b) on behalf of the Singhs. Although the Application is signed by respondent it
3 was filed from Redwood City, which is the location of Villela's business.

4 43. On or about September 30, 2004, respondent filed the Supporting Documents for
5 the Cancellation of Removal, E-42(b) on behalf of the Singhs. They were filed from Redwood
6 City, which is the location of Villela's business.

7 44. On or about April 18, 2005, respondent filed Hardship Documents in the
8 Application for Cancellation of Removal, E-42(b) on behalf of the Singhs. They were filed from
9 Redwood City, which is the location of Villela's business.

10 45. On or about April 18, 2005, the Immigration Court issued its Notice of Hearing in
11 Removal Proceedings to the Singhs. The Notice was personally served on respondent. The
12 Notice scheduled the Individual Hearing for the Singhs for July 5, 2005.

13 46. Prior to and including July 5, 2005, respondent failed to update the Singhs'
14 asylum application, failed to discuss the Asylum application with the Singhs, failed to prepare
15 the Singhs for their Individual Merits hearing, failed to call witnesses in support of the Singhs
16 Cancellation of Removal application and otherwise generally failed to prepare the Singhs
17 immigration matter in any way.

18 47. On or about July 5, 2005, a hearing was held in the Singhs' immigration matter.
19 Respondent was present at the hearing with the Singhs. Prior to the hearing, respondent had not
20 met with, spoken with or communicated with the Singhs in any way since the December 19,
21 2003 hearing.

22 48. On or about July 5, 2005, the Immigration Judge denied the Singhs Application
23 for Asylum and Application for Cancellation of Removal.

24 49. On or about July 9, 2005, the Singhs hired Villela to handle their Appeal of the
25 Immigration Court's denial of their Asylum Application and Cancellation of Removal. The
26 contract called for Villela to provide the Singhs with a staff attorney for court proceedings. The
27 contract called for a flat fee of \$1,200, which the Singhs paid in full.

1 50. On or about July 26, 2005, respondent filed a Notice of Appeal from Decision of
2 an Immigration Judge on the Singhs Immigration matter. The Notice of Appeal stated that: "the
3 respondent's appeal will be fully briefed upon receipt of the transcript of the hearing."

4 51. On or about August 10, 2005, respondent forwarded to the Board of Immigration
5 Appeals the Record of Proceeding for an Appeal of the Immigration Judge decision.

6 52. On or about February 13, 2006, respondent filed an Extension Request with the
7 Board of Immigration Appeals in the Singhs Immigration matter. Pursuant to respondent's
8 request the Board of Immigration Appeals extended the time for respondent to submit his Brief
9 in the appeal to March 17, 2006. Thereafter respondent took no action on behalf of the Singhs in
10 their appeal to the Board of Immigration Appeals.

11 53. On or about August 11, 2006, the Board of Immigration Appeals summarily
12 dismissed the Singhs' appeal. The appeal was dismissed for failure to provide statements on the
13 Notice of Appeal that meaningfully apprised the Board of the specific reasons underlying the
14 challenge to the Immigration Judge's decision. Also, respondent checked the block indicating
15 that a separate written brief or statement would be filed in support of the appeal. However,
16 respondent never filed a written brief or statement on behalf of the Singhs.

17 54. On or about September 8, 2006, respondent filed a Petition for Review with the
18 9th Circuit Court of Appeals on behalf of the Singhs.

19 55. On or about September 29, 2006, the Singhs hired Villela to handle their 9th
20 Circuit Court of Appeal Petition for Review of the BIA denial of appeal. The contract called for
21 respondent or another "staff attorney" to be attorney of record on appeal and further authorized
22 Villela to pay attorney fees. The contract provided for a flat fee of \$4,000, which the Singhs paid
23 in full.

24 56. On or about April 3, 2007, the Ninth Circuit issued its Order in the Singhs matter.
25 The Order stated that the Singhs had failed to perfect the petition. The petition was therefore
26 dismissed for failure to file the opening brief on appeal. Respondent was directed by the Order to
27 notify the Singhs immediately in writing regarding the dismissal. Respondent received this
28 Order, but failed to communicate the reason for dismissal to the Singhs.

57. On or about April 11, 2007, respondent filed a Motion to Reinstate Petition for Review on behalf of the Singhs.

58. On or about April 23, 2007, the Ninth Circuit reinstated the Singhs' Petition for Review. The opening brief was due May 24, 2007.

59. On or about July 18, 2007, the Ninth Circuit issued its Order in the Singhs' matter. The Order stated that the Singhs had failed to perfect the petition. The petition was therefore dismissed for failure to file the opening brief on appeal. Respondent was directed by the Order to notify the Singhs immediately in writing regarding the dismissal. Respondent received this Order, but failed to communicate the reason for dismissal to the Singhs. Thereafter respondent failed to communicate with the Singhs in any way.

60. By failing to file the brief for the Singhs in the Board of Immigration Appeals and by failing file the brief in the Ninth Circuit Court of Appeal, and by failing to prepare in any way for the Individual Merit Hearing, respondent intentionally, recklessly and repeatedly failed to perform legal services with competence.

COUNT TWO (B)

Case No. 08-O-11913

Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

61. Respondent wilfully violated Business and Professions Code, section 6068(m), by failing to keep a client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, as follows:

62. The allegations contained in Count Two (A) are hereby incorporated by reference.

63. By failing to advise the Singhs that their appeal to the Board of Immigration Appeal was dismissed for failure to file a brief and by failing to advise the Singhs that their appeal to Ninth Circuit Court of Appeal was dismissed for failure to file a brief, respondent failed to keep a client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services.

///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

5
6
7
8
9
0.
1
2
3
4
5
6
7
8

6
7
8
9
0.
1
2
3
4
5
6
7
8

8
9
0.
1
2
3
4
5
6
7
8

- 0.
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

2
3
4
5
6
7
8

5
6
7
8

75. In truth and in fact Villela through Indo-Fijian Immigration Services filed the Cancellation of Removal application and other legal documents without the input or guidance of respondent.

76. Respondent knew that Villela was not an attorney.

77. Respondent knew that Villela was not entitled to practice law in the immigration matter for the Singhs.

78. Respondent knew that Villela was giving legal advice and counsel to the Singhs.

79. By allowing Villela to direct his work and by allowing Villela to advise the Singhs on how to pursue their immigration matter, respondent aided and abetted a person in the unauthorized practice of law.

COUNT TWO (E)

Case No. 08-O-11913
Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar investigation]

80. Respondent wilfully violated Business and Professions Code, section 6068(i), by failing to cooperate and participate in a disciplinary investigation pending against Respondent, as follows:

81. On or about April 3, 2008, the State Bar opened an investigation, case no. 08-O-11913, pursuant to a complaint filed by Kishore Singh. (“the Singh matter”).

82. On or about June 11, 2008, State Bar Investigator Crystal Velazco wrote to respondent regarding the Singh matter. The investigator's letter was placed in a sealed envelope correctly addressed to respondent at his State Bar of California membership records address. The letter was properly mailed by first class mail, postage prepaid, by depositing for collection by the United States Postal Service in the ordinary course of business. The United States Postal Service did not return the investigator's letter as undeliverable or for any other reason.

83. The investigator's letter requested that respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in the Singh matter. Respondent did not respond to the investigator's letter or otherwise communicate with the investigator.

1 84. On or about July 17, 2008, State Bar Investigator Crystal Velazco wrote to
2 respondent regarding the Singh matter and enclosed a copy of her June 11, 2008 letter. The letter
3 informed respondent that it was the investigator's last good faith effort at communication and
4 that failure to respond in writing could lead to charges being filed for violation of Business and
5 Professions Code section 6068(i). Respondent did not respond to the investigator's letter or
6 otherwise communicate with the investigator.

7 85. By not providing a written response to the allegations in the Singh matter or
8 otherwise cooperating in the investigation of the Singh matter, respondent failed to cooperate in
9 a disciplinary investigation.

10
11 **NOTICE - INACTIVE ENROLLMENT!**

12 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**
13 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**
14 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**
15 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**
16 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**
 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE
 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE
 RECOMMENDED BY THE COURT. SEE RULE 101(c), RULES OF
 PROCEDURE OF THE STATE BAR OF CALIFORNIA.

17 **NOTICE - COST ASSESSMENT!**

18 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE,**
19 **YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY**
20 **THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF**
21 **THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE**
 SECTION 6086.10. SEE RULE 280, RULES OF PROCEDURE OF THE
 STATE BAR OF CALIFORNIA.

22 Respectfully submitted,

23 THE STATE BAR OF CALIFORNIA
24 OFFICE OF THE CHIEF TRIAL COUNSEL

25 Dated: October 24, 2008

26 By: Robert A. Henderson

 Robert A. Henderson
 Deputy Trial Counsel

27 Maria J. Oropeza
28 Assigned Deputy Trial Counsel

1 **DECLARATION OF SERVICE BY CERTIFIED MAIL**

2 **CASE NUMBER: 08-O-10521; 08-O-11913**

3 I, the undersigned, over the age of eighteen (18) years, whose business address and place
4 of employment is the State Bar of California, 180 Howard Street, San Francisco,
5 California 94105, declare that I am not a party to the within action; that I am readily
6 familiar with the State Bar of California's practice for collection and processing of
7 correspondence for mailing with the United States Postal Service; that in the ordinary
8 course of the State Bar of California's practice, correspondence collected and processed
9 by the State Bar of California would be deposited with the United States Postal Service
10 that same day; that I am aware that on motion of party served, service is presumed
11 invalid if postal cancellation date or postage meter date on the envelope or package is
12 more than one day after date of deposit for mailing contained in the affidavit. That in
13 accordance with the practice of the State Bar of California for collection and processing
14 of mail, I deposited or placed for collection and mailing in the City and County of San
15 Francisco, on the date shown below, a true copy of the within

16 **Notice of Disciplinary Charges**

17 in a sealed envelope placed for collection and mailing as certified mail, return receipt
18 requested, Article No.: 7160 3901 9845 6046 9051 at San Francisco, on the date shown
19 below, addressed to:

20 **James Hollister**
21 **566 S. N St.**
22 **Livermore, CA 94550**

23 in an inter-office mail facility regularly maintained by the State Bar of California
24 addressed to:

25 **N/A**

26 I declare under penalty of perjury under the laws of the State of California that the
27 foregoing is true and correct. Executed at San Francisco, California, on the date shown
28 below.

29 DATED: 10/28/08

30 SIGNED: Kathleen N. Kehoe
31 Kathleen N. Kehoe
32 Declarant